

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION**

**FIJI WATER COMPANY, LLC,
PARAMOUNT INTERNATIONAL
EXPORT LTD., NATURAL WATERS
OF VITI LIMITED,**

Plaintiffs,

vs.

**FIJI MINERAL WATER USA, LLC,
ET AL.,**

Defendants.

Case No.: SACV 09-01148-CJC(MLGx)

**AMENDED PRELIMINARY
INJUNCTION**

On September 30, 2010, the Court granted the motion for preliminary injunction of Plaintiffs Fiji Water Company, LLC, Paramount Export, Ltd., and Natural Waters of Viti Ltd. (collectively "Plaintiffs") that was filed against Defendants Fiji Mineral Water USA, LLC, FMW USA Licensing, LLC, Mineral Waters of Fiji, Pure Mineral Waters of Fiji, LLC, Fii Imports, LLC, Prestige Sales II, LLC, Straub Distributing Company, LLC, Straub Distributing Company, Ltd., Coast Beverage Group, LLC, and Global H2O Distributors, Inc. (collectively "Defendants").

1 IT IS HEREBY ORDERED THAT PENDING TRIAL on Plaintiffs' claims,
2 Defendants and their officers, directors, agents, servants, employees, and attorneys, and
3 those in active concert or participation with them, ARE HEREBY ENJOINED from the
4 following acts:

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6 1. Producing, selling, promoting, marketing, advertising, distributing, or
7 importing bottled water in the United States with or under a trade dress that
8 consists of and includes a bottle with a dominantly square shape, with a
9 recessed central body portion defined by the protruding shoulders and base
10 portions of the bottle, a blue bottle cap, a transparent outer front label with a
11 pink accent in the lower right hand corner, a depiction of a blue background
12 and palm tree fronds on the inside of the back label, a three-dimensional
13 effect created by having a transparent label on the front panel of the bottle
14 revealing the inner side of the back label, a rainwater drop on the front label,
15 a statement on the front label stating "From the islands of Fiji/Natural
16 Artesian Water," and prominent use of the four-letter, two-syllable word
17 FIJI, in white block lettering with a metallic outline around the letters, or the
18 substantial equivalent thereof (referred to by the parties and the Court as the
19 "FIJI trade dress");
- 20 2. Producing, selling, promoting, marketing, advertising, distributing, or
21 importing bottled water in the United States with or under a trade dress that
22 consists of and includes a bottle with a dominantly square shape, with a
23 recessed central body portion defined by the protruding shoulders and base
24 portions of the bottle and waves in the bottom portion of the bottle, a blue
25 bottle cap, a transparent outer front label with a pink ribbon in the lower
26 right hand corner, a depiction of blue background with a bird of paradise
27 flower on the inside of the back label, a three-dimensional effect created by
28 having a transparent label on the front panel of the bottle revealing the inner

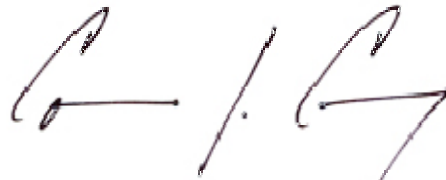
1 side of the back label, a statement on the front label stating “From the
2 mountains of Fiji Islands/Natural Artesian Mineral Water,” and prominent
3 use of the four-letter, two-syllable word VITI, in white block lettering with a
4 blue outline around the letters, a stylized raindrop inside the “V,” and
5 metallic silver lines above and below the word VITI, or the substantial
6 equivalent thereof (referred to by the parties and the Court as the “VITI
7 trade dress”); and

8 3. Operating a website that uses the FIJI or VITI trade dress.
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10 This preliminary injunction shall be effective upon the posting by Plaintiffs of an
11 undertaking or bond in the sum of \$20,000.
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13 DATED: October 5, 2010

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A handwritten signature in dark ink, appearing to read 'C. J. Carney', is written above a horizontal line.

CORMAC J. CARNEY

UNITED STATES DISTRICT JUDGE